

MEMORANDUM

TO: Mayor Craig Brown and Members of Council

CC: City Manager Office, Executive Leadership Team, City Attorney Office

FROM: Sally Bakko, Director of Policy and Governmental Relations

DATE: September 8, 2023

RE: Legislative Report: Austin and Washington Update

Please find below an update on legislative activities in Austin and Washington. (*To access links below, control+click on link.*)

Gulf Coast Protection District (GCPD) Update

Meeting with USACE Lt. General Scott Spellman, Chief of Engineers

As GCPD Board Director, I joined GCPD Board President Mayor Michel Bechtel, Board Vice President Bob Mitchell, and Executive Director Nicole Sunstrum in a meeting with US Army Corps of Engineers (USACE) Lt. General Scott Spellmon, 55th Chief of Engineers and Commanding General of the USACE, in Port Arthur, Texas. Chief Spellmon was in Texas to meet with Jefferson County Drainage District 7 and Orange County Drainage District staff on USACE projects funded by Congress in 2018.

Chief Spellmon expressed enthusiasm and support for the Coastal Texas Storm Surge Protection System Project, observing “the project speaks for itself.” The Chief will meet with Office of Management and Budget (OMB) on Bipartisan Infrastructure Law (BIL) funding priorities later this month. The purpose for the GCPD meeting with Chief Spellmon was to: 1) convey the critical status with the Texas Legislature having appropriated \$200 million in anticipation of a required non-federal sponsor match; and 2) detailed request options for BIL federal funds.

Among the USACE attendees: USACE Headquarters; Jon Loxley, Program Manager, USACE Headquarters; Colonel Rhett Blackmon, Galveston District Engineer and Commanding Officer; Lt. Colonel Ian Sullivan, Deputy Commander for Mega Projects, USACE Galveston District; and Kelly Burks-Copes, Chief, Program Support Branch, Mega Project Division, Galveston District.

I advocated the project’s gray infrastructure and nature-based approaches to storm surge reflects many of the Administration priorities. Storm surge protection; life-saving features, including protecting disadvantaged communities; economic/supply chain protection benefits; nature-based approaches; ecosystem restoration are included in the multiple lines of defense strategy. BIL funding is critical for initial preconstruction engineering and design work for the gates system and the environmental and sand sourcing for the dune and beach systems (Bolivar and West Galveston) in the first year. Such a federal investment will send the essential signal to the Texas Legislature that the USACE Headquarters is ready to partner on this project.

Pointing to Galveston demographics, Galveston residents are a diverse racial population where nearly 1 in 5 residents live in poverty, 79 percent of school children are on the free and reduced lunch program. The Galveston economy is sustained by a robust tourism industry a significant contributor to

the state and local economy where lower wage residents depend on jobs. The Chief observed with the Corps' frequent beach renourishment work, the dune and beach systems nature-based approach would be supported by many in Congress.

Galveston District staff presented federal funding package options for work on ecosystem restoration and coastal storm risk management segments in the Coastal Texas Project. Both coastal storm risk management funding options (option 1 - \$100 million; option 2 - \$200 million) included environmental and sand sourcing work for Bolivar and West Galveston dune and beach systems in the first year.

While understanding the benefits of ecosystem restoration, Chief Spellmon emphasized the need to present smaller funding package requests that "move earth" as quickly as possible to advance life-saving features; economic/supply chain protection benefits; and nature-based approaches. Prior to the Chief's OMB meeting the week of September 18th, the Galveston District is preparing for him funding options/timelines that identifies project segments where sufficient preliminary work is completed providing the greatest potential for the whole Coastal Texas Project to move into the Construction account in the USACE budget process. The funding request options will also reflect priorities for first-year work on the gate system and the dune and beach systems (Bolivar and West Galveston).

Austin Update

Comptroller Releases "Texas Water: Present and Future Needs 2023" Report

Anticipating the proposed constitutional amendment to help finance water projects, the Texas Comptroller published a report, [Texas Water: Present and Future Needs 2023](#), identifying critical water issues in Texas including water governance and rights, aging water infrastructure, funding water needs, impacts of drought and floods, flood relief, innovative water practices, and impacts of water rates on use and revenue. SB 28, the New Water Supply for Texas Fund, was passed to provide financial assistance to TWDB to fund water supply projects. The New Water Supply for Texas Fund will only be established if Texas voters approve Proposition 6 on Nov. 7.

TCEQ Releases New Required Notification Form for Water Outages

[H.B. 3810](#) requires public water systems to immediately notify the Texas Commission on Environmental Quality (TCEQ) in the event of an unplanned condition that causes a water outage or interruption to the production of safe drinking water. Public water systems must file a report using TCEQ's [immediate notification form](#) for an unplanned condition that:

- Causes a public water supply outage; and/or
- Results in the public water system issuing a do-not-use advisory, do-not-consume advisory, or boil water notice.
- Public water systems are still required to comply with all other reporting requirements including:
- Issuing the do-not-use advisory, do-not-consume advisory, or boil water notice to the public as soon as possible but no later than 24 hours after meeting notice requirements;
- Submitting a copy of the notice to TCEQ at pwsbwn@tceq.texas.gov within 24 hours of delivery to the public;
- Submitting a certificate of delivery to TCEQ within 10 days; and
- Submitting a rescind certificate of delivery, copy of the rescind notice, and a copy of the microbiological samples to TCEQ within 10 days of rescinding the notice.

For more information, please visit TCEQ's boil water notice [website](#).

GLO Evaluation Tool for Disaster Housing Recovery

The [Hazard Reduction and Recovery Center](#) under the Texas General Land Office (GLO) has developed an Evaluation Tool for Disaster Housing Recovery Plans. [S.B. 289](#), passed by the 86th Legislature in 2019, directed the GLO to develop a process to coordinate the review of housing recovery plans developed by cities and counties. The tool provides an “assessment of whether and to what extent the plan addresses important topics that have been shown to improve effective, efficient, and inclusive housing recovery after a disaster caused by a natural, technological, or human-caused hazard.” For more information, including the tool and guidebook, click [here](#).

Washington Update

FY 2024 Appropriations Update

Top Senate appropriators announced plans for the Senate to consider next week what is known as a “minibus” consisting of the Agriculture-Food and Drug Administration, Military Construction-Veterans Affairs, and Transportation, Housing and Urban Development (THUD) FY 2024 appropriations bills. This is of interest to the City of Galveston due to formula Urbanized Area Transit Grant Program, Community Development Block Grant Program, and HOME Investment Partnerships Program funds included in the THUD FY 2024 appropriations bill. With the Senate Appropriations Committee having favorably reported all 12 appropriations bills for FY 2024, the “minibus” approach is meant to expedite floor action.

To avoid a government shutdown, a Continuing Resolution (CR) is needed to fund federal agencies at current FY 2023 levels past the end of the federal fiscal year on September 30th. A CR (lasting between 30 and 90 days) will give House and Senate appropriators time to work out annual spending differences. However, if no spending deal is passed by Jan. 1, an automatic overall 1 percent cut to spending programs would go into effect. Other September 30 deadlines facing Congress include the Federal Aviation Administration’s funding authority and the National Flood Insurance Program's (NFIP) authorization.

Last week the White House [added](#) \$4 billion to a supplemental funding request to Congress to pay for disaster costs, on top of the \$12 billion requested in a [August 10 letter](#). The Federal Emergency Management Agency (FEMA) administrator recently [announced](#) implementation of [Immediate Needs Funding](#), which prioritizes the remaining funding within the Disaster Relief Fund to support disaster response and recovery efforts.

FEMA Seeks Public Feedback on Simplifying FEMA Preparedness Grants

The Federal Emergency Management Agency (FEMA) is seeking public input on simplifying and streamlining its grant processes to improve accessibility of its suite of preparedness grants. A 30-day comment period began this week to gather input as part of the Department of Homeland Security (DHS) [DHS 2023 priority](#) to improve management and administration of grant programs by simplifying application processes and improving customer service, while ensuring greater accessibility and equity for under resourced populations. Comments in response to this Request for Information (RFI) may be submitted electronically through the [Federal eRulemaking Portal](#). Follow the instructions for submitting comments and use Docket ID: FEMA-2023-0024. **Comments are due by 4:00 pm (CT) on October 11, 2023.** In the meantime, FEMA will host two public listening sessions to allow interested parties to provide feedback.

- **Public Session 1**
Thursday, Sept. 14, 2023
Time: 3 – 4 p.m. ET
[Register to attend](#)
- **Public Session 2**
Date: Tuesday, Sept. 26, 2023
Time: 3 – 4 p.m. ET
[Register to attend](#)

DOL Proposes New Overtime Rule to Cover Additional Workers

Last week the Department of Labor (DOL) [announced](#) a [notice of proposed rulemaking](#) that would guarantee overtime pay for most salaried workers earning less than \$1,059 per week, about \$55,000 per year. The rule would also restore overtime protections for U.S. territories, ensuring that workers subject to the federal minimum wage have the same overtime protections as other U.S. workers. Comments on the proposed rule may be submitted for 60 days following publication in the Federal Register. Frequently asked questions about the proposed rule can be found [here](#).

DOJ Proposed Rulemaking on ADA Accessibility for City Web Services and Mobile Apps

The Department of Justice (DOJ) published a Notice of Proposed Rulemaking regarding accessibility standards for local government internet and mobile app services, programs, and activities. DOJ proposes adopting the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA standard, which would require certain websites and mobile applications to be made understandable by screen readers or assistive technology, or through captions, so the information is accessible to individuals who are blind or have low vision, in addition to individuals who are deaf or hard of hearing. The proposal includes exceptions for:

- archived web content;
- preexisting conventional electronic documents;
- web content posted by third parties on a public entity's website;
- third-party web content linked from a public entity's website;
- course content on a public entity's password-protected or otherwise secured website for admitted students enrolled in a specific course offered by a public postsecondary institution;
- class or course content on a public entity's password-protected or otherwise secured website for students enrolled, or parents of students enrolled, in a specific class or course at a public elementary or secondary school; and
- conventional electronic documents that are about a specific individual, their property, or their account and that are password-protected or otherwise secured.

Cities over 50,000 population would have to comply with the rule within two years of the publication of the final rule. Cities under 50,000 would have to comply within three years of publication. For more information, see proposed standard [here](#) and [here](#).

The U.S. Small Business Administration (SBA) will hold a Microsoft Teams **roundtable for state and local government officials to discuss the proposed rule on Thursday, September 14, 2023, from 12 PM – 2 PM CST**. If you are interested in attending the SBA roundtable, RSVP by emailing SBA Assistant Chief Counsel Janis Reyes at janis.reyes@sba.gov. **Comments on the proposed rule are due October 3, 2023.**

HUD Publishes FY 2024 Fair Market Rents; Announces Affordable Housing Funding

On Thursday the Department of Housing and Urban Development (HUD) [published](#) the Fair Market Rents (FMRs) for fiscal year 2024 and released an additional \$113 million in Housing Choice Vouchers. FMRs help determine the maximum amount a Housing Choice Voucher will cover, and establish rent ceilings for units in the HOME Investment Partnerships Program.

Reports of Interest

[As flood risk changes, many communities brace for insurance rate shock](#)

Route Fifty, September 1, 2023